

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

JOSHUA ADAM SCHULTE,
Defendant.

S3 17 Cr. 548 (PAC)

**MOTION TO COMPEL THE MCC TO DELIVER ALL COURT
CORRESPONDENCE AND LEGAL MAIL PROMPTLY**

Joshua Adam Schulte
Slave #79471054
Metropolitan Concentration Camp (MCC)
150 Park Row
NY, NY 10007

TABLE OF CONTENTS

I. PRELIMINARY STATEMENT1

II. STATEMENT OF FACTS.....2

III. CONSTITUTIONAL RIGHT OF ACCESS TO THE COURTS.....5

IV. CONCLUSION7

I. PRELIMINARY STATEMENT

Joshua Adam Schulte respectfully moves this court to order the MCC to deliver all court correspondence and legal mail promptly. Ever since the imposition of Special Administrative Measures (SAMs) on November 1, 2018, the MCC has delayed all court correspondence and legal mail for months, presumably to send it to the FBI. This delay is obstructing Mr. Schulte's right of access to the courts because it effectively prevents him from accessing the courts at all; motions and letters fail to reach Mr. Schulte in a timely manner to allow him to meet court deadlines. Appeals and motions have even been thrown out due to the MCC's meddling.

II. STATEMENT OF FACTS

The MCC's deliberate delay of court correspondence and legal mail mostly went unnoticed until Mr. Schulte filed a civil case in the spring of 2019; *Schulte v. Attorney General of the United, et al.*, 19-CV-3346 (S.D.N.Y. 2019, Crotty, J). The MCC delivered mail delayed by months, but did not document the delays. Initial mail delays were noted on the envelope by Mr. Schulte, but since the MCC did not document the delivery of this mail, there can be no verification from the MCC. However, as the delays persisted, Mr. Schulte requested the 10S Unit Manager to sign and date all mail when delivered to Mr. Schulte. The following are some of the documented proof of deliberate mail delays by the MCC.

9/23/19: Court of Appeals requests Notice of Appearance by 10/1/19; received **16 days later** on 10/9/19, *after deadline already expired*. See Ex. A.

10/24/19: Court of Appeals; received **26 days later** on 11/19/19. See Ex. B.

11/4/19: AUSA motion in opposition; received **15 days later** on 11/19/19, *after deadline to file motion in Reply*; forced to file extra motion for permission to file late. See Ex. C.

12/5/19: Court of Appeals requests cure defective document by 1/4/19; received **28 days later** on 1/2/20, *2 days before deadline*. Results in motion stricken from the record. See Ex. D.

1/31/20: Court of Appeals requests cure defective document by 2/21/20; received **38 days later** on 3/10/21, *after deadline already expired*. Results in motion stricken from the record. See Ex. E.

2/26/20: Court of Appeals Strike Order (see above); received **25 days later** on 3/23/20. See Ex. F.

3/20/20: Court of Appeals; received **48 days later** on 5/7/20. See Ex. G.

4/2/20: Court of Appeals; received **35 days later** on 5/7/20. See Ex. H.

4/9/20: Court of Appeals; received **28 days later** on 5/7/20. See Ex. I.

9/11/20: Federal Defenders critical legal documents; received **61 days later** on 11/11/21. See Ex. J.

9/26/20: United States Attorney's Office; received by MCC 3 days later on 9/29/20, but not delivered to Mr. Schulte until **46 days later** on 11/11/20. See Ex. K.

9/28/20: district court; received by MCC 2 days later on 9/30/20, but not delivered to Mr. Schulte until **44 days later** on 11/11/20. See Ex. L.

10/5/20: Supreme Court; received **37 days later** on 11/11/20. See Ex. M.

10/5/20: Bureau of Prisons BP-10 denial; received by MCC 4 days later on 10/9/20, but not delivered to Mr. Schulte until **37 days later** on 11/11/20, after deadline to file appeal. Results in dismissed administrative remedy. See Ex. N.

10/5/20: Supreme Court; received by MCC 4 days later on 10/9/20, but not delivered to Mr. Schulte until **37 days later** on 11/11/20. See Ex. O.

10/29/20: United States Attorney's Office; received **27 days later** on 11/25/20. See Ex. P.

12/7/20: district court; received **44 days later** on 1/20/21. See Ex. Q.

3/16/21: Court of Appeals requests Notice of Appearance by 3/30/21; received **37 days later** on 4/22/21, *after deadline already expired*. See Ex. R.

3/25/21: Federal Defenders critical legal documents; received **41 days later** on 5/5/21. See Ex. S.

4/2/21: district court; received **33 days later** on 5/5/21. See Ex. T.

4/2/21: United States Attorney's Office; received **33 days later** on 5/5/21. See Ex. U.

4/6/21: Court of Appeals requests Notice of Appearance by 4/27 or else Appeal will be dismissed; received **29 days later** on 5/5/21, *after deadline already expired*. **RESULTS IN DISMISSAL OF ENTIER APPEAL**. See Ex. V.

5/25/21: Court of Appeals requests cure defective motion to reinstate by 6/10/21; received **20 days later** on 6/14/21, *after deadline already expired*. **RESULTS IN MOTION TO REINSTATE STRICKEN FROM RECORD**. See Ex. W.

6/10/21: district court; received **11 days later** on 6/21/21. See Ex. X.

6/10/21: Court of Appeals requests Notice of Appearance by 6/24/21; received **11 days later** on 6/21/21, *3 days before deadline*. See Ex. Y.

6/17/21: district court; received **20 days later** on 7/7/21. See Ex. Z.

7/1/21: Court of Appeals requests Notice of Appearance by 7/22/21 or else Appeal will be dismissed; received **20 days later** on 7/21/21, *1 day before deadline*. Result unknown. See Ex. AA.

III. CONSTITUTIONAL RIGHT OF ACCESS TO THE COURTS

It is well established that prisoners have a constitutional right to access the courts. *Bounds v. Smith*, 430 US 817, 821 (1977). "The right of access to the courts requires that prisoners defending against criminal charges or convictions (either directly or collaterally) or challenging the conditions of their confinement... not be impeded from presenting those defenses and claims for formal adjudication by a court." *Bourdon v. Loughren*, 386 F.3d 88, 96 (2d Cir. 2004).

Over the past three years, the MCC has deliberately obstructed Mr. Schulte's right of access to the courts by delaying all mail to Mr. Schulte by months. Out of the 27-letter sample size over the past 3 years, the MCC delays mail from the courts on an average of 31.4 days with a standard deviation of 12.1. The mode is 37 days, median is 33 days, and longest delay was 61 days. Delaying mail from this court for months effectively denies Mr. Schulte access to the courts because he cannot meet court deadlines or readily engage in the litigation; indeed, the litigation will be unnecessarily delayed and Mr. Schulte unduly prejudiced.

The MCC's arguments for delaying mail are baseless and absurd. Special Administrative Measures were imposed on Mr. Schulte with the purported goal of preventing him from communicating classified information to others (despite him never doing so). However, it is *impossible* for Mr. Schulte to transmit classified information to others by RECEIVING MAIL from this court. Hence, this restriction is not related to a legitimate governmental objective. Furthermore, the MCC does not open, inspect, or delay court and legal mail from other inmates—it is imposed arbitrarily upon Mr. Schulte and other SAMs inmates. Accordingly, the MCC's inspection and delay of court and legal mail fails the *Bell v. Wolfish*, 441 U.S. 520 (1979), test and is unconstitutional.

RELIEF REQUESTED

- 1.) Mr. Schulte requests the Court issue an injunction compelling the MCC to deliver all court correspondence and legal mail (to include, *inter alia*, the district courts, courts of appeals, supreme court, United States Attorney's office, Standby Counsel) promptly and without inspection to Mr. Schulte.
- 2.) Mr. Schulte requests that the MCC document when it receives and delivers legal mail to Mr. Schulte through log books¹ and established process that it already uses for legal mail. This process includes documenting the date the legal mail is received and the date the legal mail is delivered to Mr. Schulte accompanied by both Mr. Schulte's signature and the deliverer's signature.
- 3.) Any delays of court correspondence or legal mail exceeding 3 days after the MCC receives the mail should require the MCC to write the Court and explain the reason for the delay.

IV. CONCLUSION

For these reasons, the Court should grant the requested relief.

Dated: New York, New York

August 2, 2021

Respectfully submitted,

Joshua Adam Schulte
Slave #79471054
Metropolitan Concentration Camp (MCC)
150 Park Row
NY, NY 10007

A handwritten signature in black ink, appearing to read "JA Schulte", written in a cursive style.

EXHIBIT A

CLERK'S OFFICE
UNITED STATES COURT OF APPEALS
UNITED STATES COURTHOUSE
FOLEY SQUARE
NEW YORK, NY 10007
OFFICIAL BUSINESS

19-2940 Starting d.

Joshua Adam Schulte
#79471-054
Metropolitan Correctional Center
150 Park Row

105

WYM 5292

Notice: Opened As General Correspondence
For special Mail Requirements
See 28 CFR 540.10

APPROVED

10 South SAMS

RCVD 10/9
R. PROJO Unit Mgr.

EXHIBIT B

NEW YORK, NY 10007

OFFICIAL BUSINESS

Num 5318

RWD 11/19
Resort 3097 forms

Joshua Adam Schulte
#79471-054
Metropolitan Correctional Center

Notice: Opened As General Correspondence
For special Mail Requirements
See 28 CFR 540.19

105

EXHIBIT C

Sheet
10007-1825

Jacob - AUSA
Department of Justice
U.S. Attorney's Office
District of New York

Nym 5317

Joshua Adam Schulte
No. 79471-054
Metropolitan Correctional Center
150 Park Row
New York, NY 10007

105

REUD 1/19

Legal Mail

EXHIBIT D

EXHIBIT E

NYW 5405

Joshua Adam Schulte
#79471-054
Metropolitan Correctional Center
150 Park Row

不

3/10/20

EXHIBIT F

OFFICIAL BUSINESS

Joshua Adam Schulte
#77471-054
Metropolitan Correctional Center
150 Park Row
New York, NY 10007

NYM-5418

2LUD
3/25/20

Notice: Opened as General Correspondence
For Special Mail Requirements
See 28 CFR 540.19

10 South STAMS

EXHIBIT G

OFFICIAL BUSINESS

105
RAD 7/20

Joshua Adam Schulte
#79471-054
Metropolitan Correctional Center
150 Park Row
New York, NY 10007

Send As General Correspondence
Special Mail Requirements
See 28 CFR 540.19

EXHIBIT H

OFFICIAL BUSINESS

Joshua Adam Schulte
#79471-054
Metropolitan Correctional Center
150 Park Row

105

EXHIBIT I

OFFICIAL BUSINESS

REVD 2/7/20

Joshua Adam Schulte
#79471-054
Metropolitan Correctional Center
150 Park Row

105

105
105

EXHIBIT J

Legal
EW

52 Duane Street
New York, NY 10007

Fernando-Peiris

Legal

[Handwritten signature]
10/14/2020

Notice: Opened As General Correspondence
For subject's requirements
See 28 CFR 540.19

~~OCT 13 2020~~

LEGAL MAIL
Mr. Joshua Adam Schulte
Register Number: 79471-054
MCC New York
150 Park Row,
New York, NY 10007

105

SPECIAL MAIL
OPEN ONLY IN THE
PRESENCE OF MAIL

RECD 11/11

ALREADY OPENED

EXHIBIT K

Department of Justice
U.S. Attorney's Office
District of New York

Direct
10007

Notice: Opened As General Correspondence
For special Mail Requirements
See 28 CFR 540.19

[Handwritten signature]

Joshua Schulte
No. 79471-054
MCC New York
150 Park Row
NY, NY 1007

2 Mail

10007-170450

NEW YORK NY 100
26 SEP 2020 PM 7 L



US OFFICIAL MAIL - REGISTERED
67 2000/2000
26 SEP 2020 5 000 500
0001121713

(11B)

also 10007

RCUD 11/11

RECEIVED OPENED

h & h

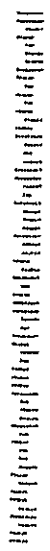


EXHIBIT L

CLERK OF COURT
STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
COURT HOUSE - 500 PEARL STREET
NEW YORK, NY 10007

OFFICIAL BUSINESS

Joshua Adam Schulte

opened As General Correspondence
For special Mail Requirements
See 28 CFR 540.19

LEGAL MAIL

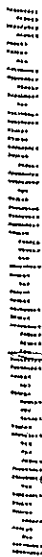
SPECIAL MAIL - OPEN ONLY
IN THE PRESENCE OF INMATE

Joshua Adam Schulte
Reg. No. 79471-054
MCC New York
150 Park Row
New York, NY 10007

LOS
also

ELUD
11/11

1000794704 0017



ALREADY OPENED

POSTAGE
08/03/2020
08/03/2020
300.50

EXHIBIT M

OFFICE OF THE CLERK
REME COURT OF THE UNITED STATES
WASHINGTON, DC 20543-0001
OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE \$300

The petition for a writ of certiorari is c

Sincer

[Handwritten signature]

Rec'd 11/11

Notice Opened As General Court
For Special Mail Reg. See 28 CFR 540.19

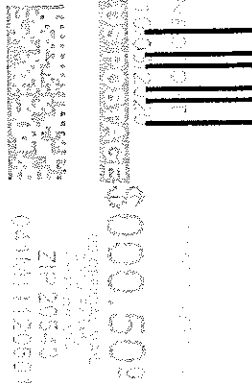
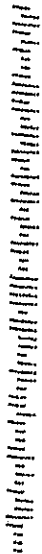


EXHIBIT N

Department of Justice
Bureau of Prisons
Regional Office
7th Floor
Prison Street
Philadelphia, PA 19106
Address

TO : JOSHUA ADAM SCHULTE, 79471-054
NEW YORK MCC UNT: J QTR: Z07-304LAD
150 PARK ROW
NEW YORK, NY 10007

1000781704



105

OCT 09 2020

08

REC'D 11/11

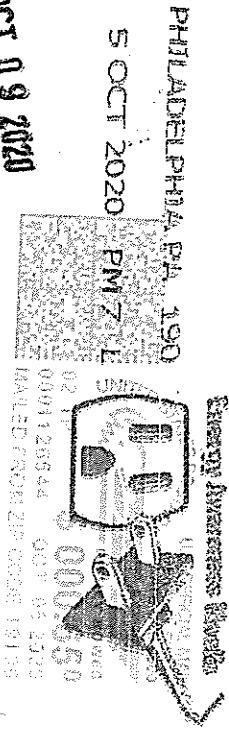


EXHIBIT O

OFFICE OF THE CLERK
THE COURT OF THE UNITED STATES
WASHINGTON, DC 20543-0001
OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE \$300

Mr. Joshua
Prisoner II
MCC
150 Park B
New York,

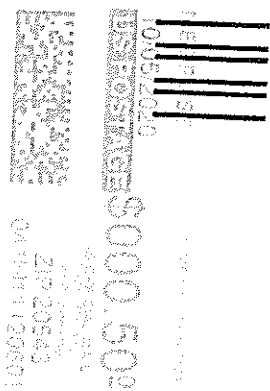
15A

RECEIVED

11/11

OCT 09 2020

88



TO: Mr. Joshua
Prisoner II
MCC
150 Park B
New York,
NY 10001
FROM: Mr. Joshua
Prisoner II
MCC
150 Park B
New York,
NY 10001
RE: Mr. Joshua
Prisoner II
MCC
150 Park B
New York,
NY 10001
DATE: OCT 09 2020
TIME: 11:11
PAGE: 1

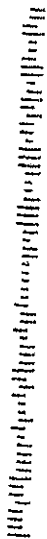
EXHIBIT P

Department of Justice
Attorneys Office
City of New York

United States General Correspondence
Special Mail Requirements
See 28 CFR 540.19

Joshua Schulte
No. 79471-054
McC New York
150 Park Row
New York, NY 10007

10007-170450



Rec'd 11/6/20

NEW YORK NY 100
29 OCT 2020 PM 14 L

FIRST CLASS

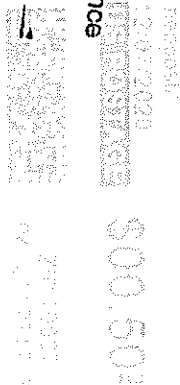


US OFFICIAL MAIL PERMIT NO. 1000
ZIP 10007 \$ 000.00
0001131753

EXHIBIT Q

CLERK OF COURT
UNITED STATES DISTRICT COURT
DISTRICT OF NEW YORK
SUITE 500 - 500 PEARL STREET
NEW YORK, NY 10007
OFFICIAL BUSINESS

Notice: Opened As General Correspondence
For special Mail Requirements
See 28 CFR 540.19



LEGAL MAIL

Joshua Adam Schulte
Reg. No. 79471-054
MCC
150 Park Row
New York, NY 10007

WS

YCUU Y20

04722

LEGAL MAIL - OPEN ONLY
PRESENCE OF PRIVATE

1000781704 0017

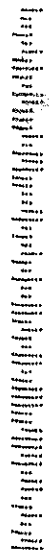


EXHIBIT R

NEW YORK, NY 10007
OFFICIAL BUSINESS

RCVD

4/22/21

Joshua Adam Schulte
#70471-054
Metropolitan Correctional Center
150 Park Row

LEGAL MAIL - Open only in the presence of the inmate.
See 28 C.F.R. 540.18, 540.19(a), 540.2(c).

105

10 South SAMS

APPROVED

provided
4/22/2021
by Rail B

105

EXHIBIT S

eral

New York Inc.

52 Duane Street

New York, NY 10007

Delonda Colson

Sabrina Shroff

Edward Tas

Attorneys at Law

Notice: Opened As General Correspondence
For special Mail Requirements
See 28 CFR 540.19

Handwritten signature
5/5/2021

ELUD
5/5/21
for [illegible]

105

APPROVED

10 South STANS

**SPECIAL MAIL
OPEN ONLY IN THE
PRESENCE OF INMATE.**

Joshua Schulte
Reg. No.: 79471-054
NEW YORK MCC
METROPOLITAN CORRECTIONAL CENTER
150 PARK ROW
NEW YORK, NY 10007

Notice: Opened As General Correspondence
For special Mail Requirements
See 28 CFR 540.19

EXHIBIT T

CLERK
DISTRICT COURT
JUDICIAL DISTRICT OF NEW YORK
COURTHOUSE
CORPUS STREET
JENKINS, NY 10601
BUSINESS
PRIVATE USE \$300

GAL MAIL

X LETTERS

ALL MAIL - OPEN ONLY
PRESENCE OF INMATE

105

WESTCHESTER NY 105
2 APR 2021 PM 3 L

Notice: Opened As General Correspondence
For Special Mail Requisite
See 28 CFR 540.15

5 001 810

Joshua Adam Schulte

Reg. No. 79471-054

MCC New York

150 Park Row

New York NY 10007

10007-17045D

RCV D
5/5/21
J. Schulte

Received
5/5/2021

EXHIBIT U

Department of Justice
U.S. Attorney's Office
Southern District of New York

In re:
10007-1825

105
79471-054

Joshua Adam Schulte
Metropolitan Correctional Center
150 Park Row
New York, NY 10007

Notice: Opened As General Correspondence
For Special Mail Requirements
See 28 CFR 540.19

Notice: Opened As General Correspondence
For Special Mail Requirements
See 28 CFR 540.19

FIRST CLASS

POSTAGE & FEE
\$001.00
08/03/21

10 South STAMS

APPROVED

Approved
5/5/21
[Signature]

RECD 5/5/21

EXHIBIT V

OFFICIAL BUSINESS

SECON

At a Stated Term of the United States (the Thurgood Marshall United States Courthouse) the 6th day of April, two thousand and twenty-o

In Re: Joshua Schulte

LEGAL MAIL - Open only in the presence of the inmate.
See 28 C.F.R. 540.18, 540.19(a), 540.2(c).

Notice: Opened As General Correspondence
For special Mail Requirements
See 28 C.F.R. 540.19

105

LEGAL MAIL - Open only in the presence of the inmate.
See 28 C.F.R. 540.18, 540.19(a), 540.2(c).

APPROVED

10 South SAGWS

Handwritten signature
5/5/2021

REVD 5/5/21

US POSTAGE

EXHIBIT W

40 FOLEY SQUARE
NEW YORK, NY 10007
OFFICIAL BUSINESS

105

Joshua Adam Schulte
#79471-054
Metropolitan Correctional Center

LEGAL MAIL -Open only in the presence of the inmate.
See 28 C.F.R. 540.18, 540.19(a), 540.2(c).

*Received 8/14/2021
Wm. R. [Signature]*

EXHIBIT X

CLERK OF COURT
STATES DISTRICT COURT
:RN DISTRICT OF NEW YORK
:THOUSE - 500 PEARL STREET
NEW YORK, NY 10007

OFFICIAL BUSINESS

Notice: Opened As General Correspondence
For special Mail Requirements
See 28 CFR 540.19

Joshua Adam Schulte
ID: 79471054
Metropolitan Correctional Center
150 Park Row
New York, NY 10007

**CIAL MAIL - OPEN ONLY
PRESENCE OF INMATE**

Received 4/21/2021
[Signature]

10 South SAM
Nym 5693

1000781754 0017



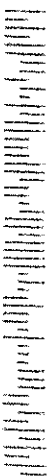
EXHIBIT Y

105

Joshua Adam Schulte
#79471-054
Metropolitan Correctional Center

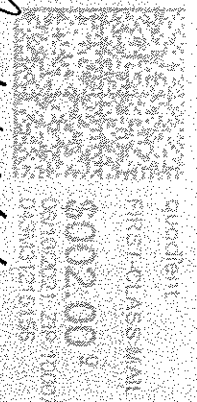
LEGAL MAIL - Open only in the presence of the inmate.
See 28 C.F.R. 540.18, 540.19(a), 540.2(c).

NYM-5692
Notice: Opened As General Correspondence
For special Mail Requirements
See 28 CFR 540.10



10 South SAMS

Handwritten signature
4/2/2021



US POSTAGE

EXHIBIT Z

CLERK OF COURT
STATES DISTRICT COURT
IN DISTRICT OF NEW YORK
HOUSE - 500 PEARL STREET
NEW YORK, NY 10007

OFFICIAL BUSINESS

Per 7-7-21

Notice: Opened As General Correspondence
For special Mail Restrictions
See 28 CFR 540.19

IAL MAIL - OPEN ONLY
RESENCE OF INMATE

AL MAIL - OPEN ONLY
RESENCE OF INMATE

AL MAIL - OPEN ONLY
RESENCE OF INMATE

Joshua Adam Schulte
Reg. No. 79471-054
Metropolitan Correctional Center
150 Park Row
New York, NY 10007

JS

GAL MATT,

1000781734 0017

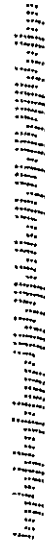


EXHIBIT AA

OFFICIAL BUSINESS

Joshua Adam Schulte
#79471-054
Metropolitan Correctional Center
150 Park Row

Office: Opened As General Correspondence
For special Mail Requirements
See 28 CFR 540.19

105

7/21/2021
Period
to master

